

City of Hagerstown

Water and Wastewater Policy

Adopted: February 24, 2004

Amended: July 29, 2008, September 22, 2009, October 11, 2016, May 23, 2017,
November 27, 2018, June 18, 2019, August 25, 2020, December 19, 2023

Service Requests Outside the Corporate Boundaries of Hagerstown

Per the City of Hagerstown's Comprehensive Plan, Policy 4-1, the City of Hagerstown will only provide new or expanded water and wastewater service outside of Hagerstown's corporate boundaries to properties that annex into the city or that enter into pre-annexation agreements with the City, except as specifically exempted in the Annexation Policy. New or expanded service includes new construction, redevelopment of the site, new connections for existing buildings, uses in existing buildings that require expanded allocation or service, and re-subdivision of existing development.

Service Requests Outside Hagerstown's Medium Range Growth Area

Per the City of Hagerstown's Comprehensive Plan, Policy 4-4, the City of Hagerstown will not extend or expand water or wastewater services beyond the Hagerstown Medium-Range Growth Area as defined in the City's Annexation Policy, and shall not allow new connections to the existing lines located outside the Hagerstown Medium-Range Growth Area, unless one of the following ten exceptions is to be granted by the City:

- 1. Condemnation or Impending Failure of an Existing Private Water or Septic System.** The governing health authority has provided a request with documentation or certification to the Utilities Department that, to obtain a water or wastewater service connection, the existing private water or wastewater system for an existing dwelling or nonresidential building has been condemned, or has impending failure, and a reasonable alternate system is otherwise not available. Service approved by the Utilities Department using this exception is contingent upon acceptance and signing of a service contract by the owner providing for the allocation of costs of extending and maintaining the service to the property and that such service shall be subject to all applicable policies, procedures and practices. Reference: City of Hagerstown 2008 Comprehensive Plan, Policy 4-4.
- 2. System Improvement.** Upon the recommendation of the Director of Utilities to, and approval by, the Mayor and Council, a system extension would provide a vital improvement or enhancement to the operation or efficiency of the water and/or wastewater system.
- 3. Connection to an Existing Lot of Record for a Single-Family or Two-Family Dwelling.** Service approval by the Utilities Department is contingent upon the following: (a) outside the Long-Range Growth Area, lot was an existing lot of record prior to February 24, 2004; (b) between the Medium-Range Growth Area and Long-Range Growth Area boundaries, lot was an existing lot of record prior to April 22, 2008; (c) lot is contiguous to a right-of-way containing a City water or wastewater line that was in existence at the time the property became a lot of record. Any exception the Utilities Department may determine is warranted will be given with the following limitations and conditions: (a) the maximum allocation shall not exceed two hundred (200) gallons per

day for one dwelling unit, or 400 gpd for a two-family dwelling if allowed by County zoning and if it does not involve a subdivision; and b) service is contingent upon acceptance and signing of a service contract by the owner providing for the allocation of costs of extending and maintaining the service to the property and that such service shall be subject to all applicable policies, procedures and practices.

4. **Redevelopment of a Property Containing an Existing Customer.** Service approval by the Utilities Department using this exception is contingent upon there being no addition of land area to the existing lot(s) of record containing the existing customer(s) and there being no increase in the existing allocation as a result of the redevelopment.
5. **Pre-existing Water or Wastewater Agreement.** Service approval by the Utilities Department using this exception is contingent upon a water or wastewater agreement having been in place prior to July 29, 2008, which guaranteed water or wastewater service to this property as a condition of the construction and/or provision of land for the construction of the water or wastewater line at issue.
6. **Economic Development Project.** Service approval using this exception is contingent upon recommendation of the County Commissioners, the City and County Economic Development Directors; and the City Director of Utilities to, and approval by, the Mayor and Council, for a vital economic development project or an economic development project located in a the targeted economic development area at the airport, as delineated in the County's 2002 Comprehensive Plan.
7. **Pre-Annexation Agreement.** Service approval by the Utilities Department using this exception is contingent upon a pre-annexation agreement having been approved by the Planning and Code Administration Division and recorded in the County Courthouse prior to April 22, 2008.
8. **Affordable Housing Project.** Service approval using this exception is contingent upon recommendation of the County Commissioners, the City Administrator or designee, the County Administrator or designee, and the City Director of Utilities to, and approval by, the Mayor and City Council, for an affordable housing project restricted to households with annual incomes up to 80% of AMI (Area Median Income) and located in close proximity to economic development target areas and adjacent to development served by City water and/or wastewater.
9. **Connection to a Proposed New Lot of Record or Existing Lot of Record for a new SFR or DUP when well testing failed to gain approval of the Health Department due to GWUDI issues.** GWUDI is groundwater under direct influence of surface water and it is present in areas of the Hagerstown Valley due to the karst geological formations. A sensitive area where such conditions have been documented to occur has been designated by the Health Department on the northwest side of Hagerstown – an area bounded by I-81, US40, proximity to the Greencastle Pike, and at the Pennsylvania border. Service approval by the Utilities Department is contingent upon the following: (a) The Health Department has provided a request with documentation to the Planning and Utilities Departments that the new well for the proposed new lot or existing lot of record does not

meet the minimum criteria for drinking water requirements and the well cannot be approved by the Health Department; (b) Health Department's analytical results are consistent with COMAR and this analysis identifies contaminants which are precluded from treatment in new wells per State law; (c) the proposed lot or existing lot is contiguous to a right-of-way containing a City water line; (d) any extension of existing water infrastructure is the responsibility of the landowner requesting service and all required improvements to the water infrastructure shall be in conformance with City Water and Wastewater Standards and Specification. The Utilities Director may approve up to three requests per year for this exception. Requests shall be taken on a first come, first served basis each calendar year. Requests for service under this exception which would create a new lot for development outside the County Urban Growth Area must first receive the approval of the administrative authority of the County Water & Sewer Plan.

10. **Facility for an Essential Public Service.** A facility necessary for the public services provided by a government body whose geographic location is determined by the government as the best placement to serve the needs of local communities or to access the resources necessary to serve the public. Service approval using this exception is contingent upon recommendation of the County Commissioners or other affected government agency, and the City Director of Utilities to, and approval by, the Mayor and Council. Recommendation to the Mayor and Council for approval by the Director of Utilities will be contingent upon ensuring the water system can meet the average day, peak day, and fire flow requirements for each request for service. If water system upgrades are required to meet average day, peak day, and/or fire flow, all cost for upgrades will be the responsibility of the agency requesting service, as approval by City Utilities Department. Because such requests may occur for land outside the County designated Urban Growth Area and outside Priority Funding Areas, the request for service must first receive the approval of the administrative authority of the County Water & Sewer Plan.

The granting of all exceptions to this policy, except for #5 and #7, is contingent upon the property owner submitting a pre-annexation agreement to the City of Hagerstown that offers the property for annexation at such time as the corporate boundaries of the City reach the property and the Mayor and City Council determines annexation to be advantageous to the City of Hagerstown.

Any exception granted pursuant to #2, 6, 8, and 10 of this policy is made and conditioned on the specific information presented at the time the exception is requested and any subsequent change in that information may result in a denial of the exception. Any subsequent change to that information must be provided to Utilities Director and Director of Community & Economic Development within thirty (30) days of the change for evaluation as set forth below:

1. If ownership or the contract purchaser identified on the original water and/or wastewater request changes following approval but all other aspects of the proposed development remain as proposed when Mayor and City Council approval was granted, the Utilities Director may administratively approve the water and/or wastewater request as remaining valid.
2. Approval shall be void if the project changes and is not the same as what was outlined in the Mayor and City Council approval and/or if the requested water/wastewater allocation

exceeds the amount identified in the approval by more than 5 EDUs. Changes which would void approval include but are not limited to a substantial change to the square footage of the originally proposed development, the proposed investment and/or jobs created, and/or the proposed allocation request, and/or a change to the land use type of development, all as determined by the Utilities Director and Director of Community & Economic Development. If the change voids the approval, any prior submitted pre-annexation agreement shall be null and void and the City shall record a notice so indicating in the Land Records of Washington County. The new plan of development will require submittal of a new request which starts the process over.

Additionally, an exception granted pursuant to #2, 6, 8, and 10 of this policy becomes void if the following have not occurred within 18 months of the Mayor and City Council granting of it: 1) site plan approval by Washington County; 2) building permit filed with Washington County; **and** 3) all City water and wastewater fees paid. Any request for an extension must be submitted for consideration by the Mayor and City Council at least 60 days prior to the expiration date and is subject to approval by the Mayor and City Council. If Mayor and City Council approval expires and a request for extension has not been received and approved by the City, any prior submitted pre-annexation agreement shall be null and void and the City shall record a notice so indicating in the Land Records of Washington County.